

REMARKS

Applicants respectfully traverse the Examiner's objection to the drawings. It is noted that informal drawings were originally filed with the application and are consistent with the objections made by the Examiner. However, Applicants note that formal drawings were filed with the Response to Notice of File Missing Parts on August 23, 2004. A return postcard was received from the Patent Office, date stamped August 26, 2004. A copy of the date-stamped return postcard is enclosed. Applicants request the Examiner to consider the response filed August 23, 2004, including the formal drawings. In the event a further copy is required, Applicants would be pleased to provide same.

Applicants respectfully traverse the Examiner's rejection of certain claims as being indefinite under 35 U.S.C. §112, second paragraph. The claims have been amended in order to overcome the Examiner's rejection. Applicants note that a substantially vertical pathway is formed in part by the vertical conveyor 37 and converges with the horizontal path formed in part by the horizontal conveyor 33.

Applicants acknowledge the Examiner's indication that certain dependent claims are allowable.

Applicants respectfully traverse the Examiner's rejection of independent claims 1, 18 and 34 as being anticipated by U.S. patent No. 4,281,594 (i.e., the Baker et al. patent).

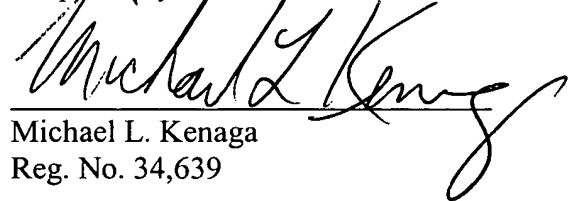
Applicants note that the Baker patent was filed July 26, 1979. The Baker et al. disclosure is known by Applicants as a commercialized broiler. The Baker patent discloses a bun section toaster. Figure 2 discloses that the toaster is adapted for a three-section bun, i.e., having a top section, center section and a bottom section. The toaster of Figure 2 discloses that the upper and lower conveyor sections include a single technology on one side of the bun. In particular, the upper and lower conveyor portions show a upper contact heating element 31, 52 above the respective bun portion. The center conveyor shows a single technology on each side of the bun. In particular, a contact heating element 62 shown above the bun, while a special radiant heater 71 is shown below the bun portion. In addition, it is noted that such known technology required the special radiant heater 71 as suggested in the background section of the instant application. Radiant heaters are not as effective in toasting a bun as are the contact heating elements. Therefore, the radiant heaters are typically at a higher temperature. However, if the radiant heater is at too high of a temperature, it is known that the contact heating element will be similarly overheated. When the contact heating element is overheated, there is great potential for damage to the bun. As a result, the temperature of the radiant heater is limited. To compensate for the reduced or limited temperature of the radiant heater, the bun must traverse the toaster at a lower speed in order to achieve the desired toasting.

In contrast, the present invention provides two or three technologies on one side of the bun. Thus, an improved toasted product is realized. In addition, the present invention locates the platens 47, 49 away from the means for impingement heating 105 and the infrared heating element 121, as can be seen, for example, from Figures 5-8. Thus, the platens 47, 49 can be at a temperature satisfactory for toasting the bun halves, yet be displaced far enough from the means for impingement heating 105 and the infrared heating element 121 so as to avoid unnecessarily raising the temperature of the platen 47, 49. As a result, the present invention realizes the reduced toasting time as described in the opening pages of the application.

Applicants respectfully traverse the Examiner's rejection of certain other dependent claims as being either anticipated by or obvious from Baker et al. In particular, the certain other claims are deemed allowable, if only as being dependent, either directly or indirectly, from an allowable independent claim.

In view of the foregoing comments and amendment, reconsideration and allowance are requested.

Respectfully submitted,



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